

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS and LAWYERS FOR
CIVIL RIGHTS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, IMMIGRATION
AND CUSTOMS ENFORCEMENT,

Defendants.

C.A. No. 19-12564-MBB

DEFENDANTS' STATUS REPORT

Pursuant to this Court's Minute Order dated April 24, 2020, Defendants U.S. Immigration and Customs Enforcement ("ICE") and United States Department of Homeland Security's Office of Intelligence and Analysis (I&A) (collectively, "Defendants"), submit this status report.

I. ICE

Plaintiffs have requested and sued upon, two broad Freedom of Information Act ("FOIA") requests. The first set of documents produced by ICE on or about April 9, 2020, was in response to Plaintiff's second FOIA request, number (2) of that request, which seeks documents relating to the Warrant Service Officers' program ("WSO"), requesting "All Memoranda of Agreement and other contracts executed by ICE in connection with the WSO program, including with any state or local government entity." These documents are available to Plaintiffs on an ICE weblink, and Plaintiffs agreed that access on the weblink satisfied this request.

ICE has completed its searches for the other documents in Plaintiffs' WSO request and for number (10) of Plaintiff ACLU's first FOIA request. Plaintiff ACLU designates its first FOIA request as its "Gang Profiling Request." ICE has located 5,460 pages of documents that are potentially responsive to these requests. ICE will process and produce to Plaintiff ACLU 500 pages of these groups of documents on or before June 30, 2020. ICE will process and produce 500 pages a month of these documents until all appropriate documents have been produced.

ICE has objected to the very broad scope of the first FOIA request, the "Gang Profiling Request." It has a suggestion from Plaintiffs as to narrowing one of the requests, number (7), which requests "All documents related to Operation Matador or any other enforcement operations targeting gang members or associates in Massachusetts," a request that relates to an estimated 10,000 to 20,000 documents. ICE has not received any further suggestions for narrowing this request or the other Gang Profiling requests. ICE is in the process of preparing suggestions for reasonable narrowing of the Gang Profiling requests and expects to provide these to Plaintiff ACLU this week.

II. DHS' OFFICE OF INTELLIGENCE AND ANALYSIS (I&A)

The DHS Office of Intelligence and Analysis does not have documents in response to Plaintiffs' second FOIA request. I&A has so far identified 296 pages of documents that are responsive to Plaintiff ACLU's First Request ("Gang Profiling Request"). I&A has determined that 99 pages should be released and these documents were sent to Plaintiff ACLU on or about this day. 197 pages are ICE documents in the possession of I&A, and I&A has referred these

documents to ICE for review and appropriateness of release. I&A expects that its next production of documents will occur on or before July 2, 2020.¹

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that this document will be filed through the electronic filing system of the Court, which system will serve counsel for Plaintiffs electronically, on this eighth day of June 2020.

/s/ Anita Johnson
Assistant United States Attorney

¹ As previously noted, the shutdown of the government due to the Covid 19 pandemic has substantially increased the amount of time required to responses to Plaintiffs' FOIA requests as well as all FOIA requests.

Plaintiffs are incorrect regarding the timeline that they suggest was promised for Defendants' production of documents.